

House Amendment 1965

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1 1 Amend House File 929 as follows:
1 2 #1. Page 1, by inserting before line 27 the
1 3 following:
1 4 <____. Estray swine are declared to be a public
1 5 nuisance and are subject to a policy of eradication as
1 6 administered by the department which is the principal
1 7 enforcement agency charged with carrying out the
1 8 policy.
1 9 a. The department of natural resources shall
1 10 cooperate with the department of agriculture and land
1 11 stewardship in carrying out the policy. The
1 12 departments shall periodically consult about how to
1 13 most effectively contribute resources and their
1 14 respective expertise, and divide jurisdictional
1 15 responsibility, including the assignment of
1 16 investigative personnel where appropriate. However,
1 17 the department of natural resources shall regulate
1 18 hunting preserves under chapter 484B, and the
1 19 regulation of persons taking animals under Title XI,
1 20 subtitle 6.
1 21 b. The department of agriculture and land
1 22 stewardship shall cooperate with the animal and plant
1 23 health inspection service of the United States
1 24 department of agriculture, and may enter into
1 25 cooperative agreements with the animal and plant
1 26 health inspection service in order to carry out the
1 27 eradication policy.>
1 28 #2. Page 1, line 27, by inserting before the words
1 29 <A person> the following:
1 30 <____.>
1 31 #3. Page 2, by striking lines 10 through 12, and
1 32 inserting the following:
1 33 <____. "Game swine" means the same as defined in
1 34 section 484B.1.>
1 35 #4. Page 4, line 3, by striking the word
1 36 <subsection> and inserting the following:
1 37 <subsections>.
1 38 #5. Page 4, by striking lines 4 and 5, and
1 39 inserting the following:
1 40 <NEW SUBSECTION. 3A. "Estray" means not to be in
1 41 the custody or control of a person.
1 42 NEW SUBSECTION. 4A. "Game swine" means swine that
1 43 are classified as part of the species sus scrofa
1 44 linnaeus which may be commonly known as Russian boar
1 45 or European boar of either sex.
1 46 Sec. _____. Section 484B.1, subsection 6, Code 2007,
1 47 is amended to read as follows:
1 48 6. "Livestock" means ~~the same livestock~~ as defined
1 49 in section 717.1 other than game swine.
1 50 Sec. _____. Section 484B.3, Code 2007, is amended by
2 1 adding the following new subsection:
2 2 NEW SUBSECTION. 3. The department shall regulate
2 3 game swine in cooperation with the department of
2 4 agriculture and land stewardship as provided in
2 5 chapter 171.
2 6 Sec. _____. Section 484B.4, subsection 2, Code 2007,
2 7 is amended by adding the following new paragraph:
2 8 NEW PARAGRAPH. f. The person has registered any
2 9 game swine to be kept at the hunting preserve with the
2 10 department of agriculture and land stewardship as
2 11 provided in section 171.4.
2 12 Sec. _____. Section 484B.5, Code 2007, is amended to
2 13 read as follows:
2 14 484B.5 BOUNDARIES SIGNED == FENCED.
2 15 1. Upon receipt of a hunting preserve license, the
2 16 licensee shall promptly sign the licensed property
2 17 with signs prescribed by the department.
2 18 2. a. A licensee holding and releasing ungulates
2 19 shall construct and maintain boundary fences
2 20 prescribed by the department so as to enclose and
2 21 contain all released ungulates and exclude all
2 22 ungulates which are property of the state from
2 23 becoming a part of the hunting preserve enterprise.
2 24 b. A person who begins to keep game swine on or

2 25 after the effective date of this Act shall construct
2 26 and maintain a fence in compliance with this
2 27 paragraph. The fence shall be constructed of twelve
2 28 gauge woven wire at least five feet high and topped
2 29 with one strand of electrified wire. An additional
2 30 two feet of such fencing shall be buried and angled
2 31 underground toward the enclosed interior. However,
2 32 upon application, the department may waive this
2 33 requirement if the department determines that a fence
2 34 is to be designed and constructed which provides
2 35 equivalent or greater security from escape by game
2 36 swine.

2 37 Sec. _____. NEW SECTION. 484B.6A ESTRAY GAME
2 38 SWINE.

2 39 A person required to be licensed pursuant to
2 40 section 484B.4 shall not allow the game swine to
2 41 become estray.

2 42 Sec. _____. Section 484B.7, subsection 1, Code 2007,
2 43 is amended to read as follows:

2 44 1. Each hunting preserve licensee shall keep the
2 45 records and make the reports required on forms
2 46 prepared and provided by the department. All records
2 47 shall be open for inspection at any reasonable time by
2 48 the department or its authorized agents. The
2 49 department of agriculture and land stewardship may
2 50 inspect records relating to game swine in order to

3 1 ensure compliance with chapter 171.

3 2 Sec. _____. Section 484B.9, Code 2007, is amended to
3 3 read as follows:

3 4 484B.9 UNGULATE TRANSPORTATION TAGS == MARKINGS.

3 5 The department shall prepare transportation tags
3 6 suitable for use upon the carcass of ungulates
3 7 described in this chapter. The tags shall be used to
3 8 designate all ungulates taken by hunters upon a
3 9 licensed hunting preserve. The department shall
3 10 provide licensees with the tags. All ungulates taken
3 11 on a licensed hunting preserve shall be tagged with a
3 12 numbered tag prior to being removed from the hunting
3 13 preserve. The For game swine, the department shall

3 14 provide for tags in cooperation with the department of
3 15 agriculture and land stewardship as provided in

3 16 chapter 171. A hunter shall tag the ungulate taken in

3 17 accordance with the rules as determined by the
3 18 department. The tag shall remain attached to the
3 19 carcass of the dead ungulate until processed for
3 20 consumption. The hunter shall be provided with a bill
3 21 of sale by the licensee. The bill of sale shall
3 22 remain in the possession of the hunter. Ungulate tags
3 23 issued to a hunting preserve are not transferable.

3 24 Sec. _____. Section 484B.12, Code 2007, is amended
3 25 to read as follows:

3 26 484B.12 HEALTH REQUIREMENTS == UNGULATES.

3 27 All ungulates which are purchased, propagated,
3 28 confined, released, or sold by a licensed hunting
3 29 preserve shall be free of diseases considered
3 30 significant for wildlife, poultry, or livestock. The
3 31 department of agriculture and land stewardship shall
3 32 provide for the regulation of farm deer as provided in
3 33 chapter 170, and for the regulation of game swine as
3 34 provided in chapter 171>.

3 35 #6. Page 4, by inserting after line 20, the
3 36 following:

3 37 <Sec. _____. NEW SECTION. 484B.15 CIVIL PENALTIES.

3 38 A person who violates section 484B.6A is subject to
3 39 a civil penalty of one thousand dollars. Each day
3 40 that a violation continues shall be considered a
3 41 separate offense. All civil penalties shall be
3 42 deposited in the general fund of the state.

3 43 Sec. _____. NEW SECTION. 484B.16 RESTITUTION.

3 44 1. A person required to be licensed pursuant to
3 45 section 484B.4 and who keeps game swine shall pay
3 46 restitution to the department of natural resources for
3 47 damages to the environment and wildlife caused by the
3 48 game swine which become estray. The amount of the
3 49 restitution shall also include the department's
3 50 administrative costs for investigating the incident.

4 1 2. The department shall adopt rules providing for
4 2 procedures for investigations and the administrative
4 3 assessment of restitution amounts. The rules shall
4 4 establish an opportunity to appeal a departmental
4 5 action including by a contested case proceeding under

4 6 chapter 17A. A final administrative decision
4 7 assessing an amount of restitution may be enforced by
4 8 the attorney general at the request of the department.
4 9 3. Moneys collected by the department in
4 10 restitution shall be deposited into the state fish and
4 11 game protection fund. The moneys shall be used
4 12 exclusively to support restoration or improvement of
4 13 the environment and repopulation of wildlife.
4 14 However, moneys collected from restitution paid for
4 15 investigative costs shall be used as determined by the
4 16 department.>
4 17 #7. By renumbering as necessary.
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4 19
4 20 _____
4 21 WHITAKER of Van Buren
4 22 HF 929.1
4 23 da/jg/25